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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

NEW YORK MARINE AND
GENERAL INSURANCE COMPANY,
a New York corporation,,

Plaintiff,

v.

AMBER HEARD, an individual,,

Defendant.

AMBER HEARD, an individual,

Counter-Claimant

v.

NEW YORK MARINE AND
GENERAL INSURANCE COMPANY,
a New York Corporation,

Counter-Defendant

Case No. CV 22-4685-GW-PDx

Consolidated for Pre-Trial Purposes
with CV 21-5832-GW-PDx

**ORDER ON PLAINTIFF AND
COUNTERDEFENDANT NEW
YORK MARINE AND GENERAL
INSURANCE COMPANY'S
MOTION TO (1) DISMISS
HEARD'S COUNTERCLAIM
PURSUANT TO RULE 12(b)(6). OR
(2) ALTERNATIVELY, FOR A
MORE DEFINITE STATEMENT
PURSUANT TO RULE 12(e), AND
(3) TO STRIKE CERTAIN
ALLEGATIONS PURSUANT TO
RULE 12(f) [42]**

Hon. George H. Wu

1 On March 13, 2023, at 8:30 a.m., Plaintiff and Counter-Defendant New York
 2 Marine and General Insurance Company's ("NY Marine") Motion To (1) Dismiss
 3 Defendant and Counterclaimant Amber Heard's ("Heard") Amended Counterclaim
 4 Pursuant to Rule 12(b)(6), or (2) Alternatively, for A More Definite Statement
 5 Pursuant to Rule 12(e), and (3) to Strike Certain Allegations Pursuant to Rule 12(f),
 6 came on regularly for hearing in Courtroom 9D of the United States District Court for
 7 the Central District of California before the Honorable George H. Wu, Judge
 8 presiding. Present at the hearing were counsel for Plaintiff and Counterdefendant New
 9 York Marine and General Insurance Company ("NY Marine"), James P. Wagoner
 10 and Nicholas H. Rasmussen, and for Defendant and Counterclaimant Amber Heard
 11 ("Heard"), Kayla Robinson and Owen Monkemeier. Also present was Nicholas J.
 12 Boos for Travelers Commercial Insurance Company, Plaintiff in the consolidated
 13 case.

14 Having read and considered NY Marine's Motion to Dismiss, its supporting
 15 and related papers, the Opposition filed by Ms. Heard, and oral argument of the parties
 16 thereon, for the reasons and to the extent set forth therein, it is hereby **ORDERED**
 17 **THAT:**

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1 The Court **ADOPTS** as its final ruling on this matter its Tentative Ruling [46].
2 For the reasons and to the extent set forth therein, NY Marine's motion is granted in
3 part and denied in part; additionally, NY Marine's requests for judicial notice and
4 requests for consideration of materials pursuant to the "incorporation by reference"
5 doctrine are granted. Ms. Heard shall have leave to amend to the extent set forth
6 therein.

7 **IT IS SO ORDERED.**

8 DATED: March 17, 2023

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11 Hon. George H. Wu
12 United States District Judge

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